

ASSEMBLY BILL

No. 1748

**Introduced by Committee on Transportation (Oropeza (Chair),
Huff (Vice Chair), Chan, Shirley Horton, Karnette, Liu, Pavley,
Ridley-Thomas, Salinas, and Torrico)**

March 7, 2005

An act to amend Section 12804.9 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1748, as introduced, Committee on Transportation. Vehicles: motorized scooters: license.

Existing law authorizes the holder of a class C driver's license to operate a motorized scooter on the highway.

This bill, additionally, would authorize the holder of a class M1 or M2 driver's license to operate a motorized scooter on the highway.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 12804.9 of the Vehicle Code, as added
- 2 by Chapter 952 of the Statutes of 2004, is amended to read:
- 3 12804.9. (a) (1) The examination shall include all of the
- 4 following:
- 5 (A) A test of the applicant's knowledge and understanding of
- 6 the provisions of this code governing the operation of vehicles
- 7 upon the highways.
- 8 (B) A test of the applicant's ability to read and understand
- 9 simple English used in highway traffic and directional signs.

1 (C) A test of the applicant's understanding of traffic signs and
2 signals, including the bikeway signs, markers, and traffic control
3 devices established by the Department of Transportation.

4 (D) An actual demonstration of the applicant's ability to
5 exercise ordinary and reasonable control in operating a motor
6 vehicle by driving it under the supervision of an examining
7 officer. The applicant shall submit to an examination appropriate
8 to the type of motor vehicle or combination of vehicles he or she
9 desires a license to drive, except that the department may waive
10 the driving test part of the examination for any applicant who
11 submits a license issued by another state, territory, or possession
12 of the United States, the District of Columbia, or the
13 Commonwealth of Puerto Rico if the department verifies through
14 any acknowledged national driver record data source that there
15 are no stops, holds, or other impediments to its issuance. The
16 examining officer may request to see evidence of financial
17 responsibility for the vehicle prior to supervising the
18 demonstration of the applicant's ability to operate the vehicle.
19 The examining officer may refuse to examine an applicant who is
20 unable to provide proof of financial responsibility for the vehicle,
21 unless proof of financial responsibility is not required by this
22 code.

23 (E) A test of the hearing and eyesight of the applicant, and of
24 other matters that may be necessary to determine the applicant's
25 mental and physical fitness to operate a motor vehicle upon the
26 highways, and whether any grounds exist for refusal of a license
27 under this code.

28 (2) The examination for a class A or class B driver's license
29 under subdivision (b) shall also include a report of a medical
30 examination of the applicant given not more than two years prior
31 to the date of the application by a health care professional. As
32 used in this subdivision, "health care professional" means a
33 person who is licensed, certified, or registered in accordance with
34 applicable state laws and regulations to practice medicine and
35 perform physical examinations in the United States of America.
36 Health care professionals are doctors of medicine, doctors of
37 osteopathy, physician assistants, and registered advanced practice
38 nurses, or doctors of chiropractic who are clinically competent to
39 perform the medical examination presently required of motor
40 carrier drivers by the Federal Highway Administration. The

1 report shall be on a form approved by the department, the Federal
2 Highway Administration, or the Federal Aviation
3 Administration. In establishing the requirements, consideration
4 may be given to the standards presently required of motor carrier
5 drivers by the Federal Highway Administration.

6 (3) Any physical defect of the applicant, that, in the opinion of
7 the department, is compensated for to ensure safe driving ability,
8 shall not prevent the issuance of a license to the applicant.

9 (b) In accordance with the following classifications, any
10 applicant for a driver's license shall be required to submit to an
11 examination appropriate to the type of motor vehicle or
12 combination of vehicles the applicant desires a license to drive:

13 (1) Class A includes the following:

14 (A) A combination of vehicles, if any vehicle being towed has
15 a gross vehicle weight rating of more than 10,000 pounds.

16 (B) A vehicle towing more than one vehicle.

17 (C) A trailer bus.

18 (D) The operation of all vehicles under class B and class C.

19 (2) Class B includes the following:

20 (A) A single vehicle with a gross vehicle weight rating of
21 more than 26,000 pounds.

22 (B) A single vehicle with three or more axles, except any
23 three-axle vehicle weighing less than 6,000 pounds.

24 (C) A bus except a trailer bus.

25 (D) A farm labor vehicle.

26 (E) A single vehicle with three or more axles or a gross
27 vehicle weight rating of more than 26,000 pounds towing another
28 vehicle with a gross vehicle weight rating of 10,000 pounds or
29 less.

30 (F) A house car over 40 feet in length, excluding safety
31 devices and safety bumpers.

32 (G) The operation of all vehicles covered under class C.

33 (3) Class C includes the following:

34 (A) A two-axle vehicle with a gross vehicle weight rating of
35 26,000 pounds or less, including when the vehicle is towing a
36 trailer or semitrailer with a gross vehicle weight rating of 10,000
37 pounds or less.

38 (B) Notwithstanding subparagraph (A), a two-axle vehicle
39 weighing 4,000 pounds or more unladen when towing a trailer
40 coach not exceeding 9,000 pounds gross.

1 (C) A house car of 40 feet in length or less.

2 (D) A three-axle vehicle weighing 6,000 pounds gross or less.

3 (E) A house car of 40 feet in length or less or vehicle towing
4 another vehicle with a gross vehicle weight rating of 10,000
5 pounds or less, including when a tow dolly is used. A person
6 driving a vehicle may not tow another vehicle in violation of
7 Section 21715.

8 (F) (i) A two-axle vehicle weighing 4,000 pounds or more
9 unladen when towing either a trailer coach or a fifth-wheel travel
10 trailer not exceeding 10,000 pounds gross vehicle weight rating,
11 when the towing of the trailer is not for compensation.

12 (ii) A two-axle vehicle weighing 4,000 pounds or more
13 unladen when towing a fifth-wheel travel trailer exceeding
14 10,000 pounds, but not exceeding 15,000 pounds, gross vehicle
15 weight rating, when the towing of the trailer is not for
16 compensation, and if the person has passed a specialized written
17 examination provided by the department relating to the
18 knowledge of this code and other safety aspects governing the
19 towing of recreational vehicles upon the highway.

20 The authority to operate combinations of vehicles under this
21 subparagraph may be granted by endorsement on a class C
22 license upon completion of that written examination.

23 (G) A vehicle or combination of vehicles with a gross
24 combination weight rating or a gross vehicle weight rating, as
25 those terms are defined in subdivisions (j) and (k), respectively,
26 of Section 15210, of 26,000 pounds or less, if all of the following
27 conditions are met:

28 (i) Is operated by a farmer, an employee of a farmer, or an
29 instructor credentialed in agriculture as part of an instructional
30 program in agriculture at the high school, community college, or
31 university level.

32 (ii) Is used exclusively in the conduct of agricultural
33 operations.

34 (iii) Is not used in the capacity of a for-hire carrier or for
35 compensation.

36 (H) A motorized scooter.

37 (I) Class C does not include a two-wheel motorcycle or a
38 two-wheel motor-driven cycle.

39 (4) Class M1. A two-wheel motorcycle or a motor-driven
40 cycle. Authority to operate a vehicle included in a class M1

1 license may be granted by endorsement on a class A, B, or C
2 license upon completion of an appropriate examination.

3 (5) (A) Class M2: ~~A includes the following:~~

4 (i) A motorized bicycle or moped, or a bicycle with an
5 attached motor, except a motorized bicycle described in
6 subdivision (b) of Section 406. ~~Authority~~

7 (ii) A motorized scooter.

8 (B) Authority to operate vehicles included in class M2 may be
9 granted by endorsement on a class A, B, or C license upon
10 completion of an appropriate examination, *except that no*
11 *endorsement is required for a motorized scooter.* Persons holding
12 a class M1 license or endorsement may operate vehicles included
13 in class M2 without further examination.

14 (c) A driver's license or driver certificate is not valid for
15 operating a commercial motor vehicle, as defined in subdivision
16 (b) of Section 15210, any other motor vehicle defined in
17 paragraph (1) or (2) of subdivision (b), or any other vehicle
18 requiring a driver to hold any driver certificate or any driver's
19 license endorsement under Section 15275, unless a medical
20 certificate approved by the department, the Federal Highway
21 Administration, or the Federal Aviation Administration, that has
22 been issued within two years of the date of the operation of that
23 vehicle, is within the licensee's immediate possession, and a
24 copy of the medical examination report from which the
25 certificate was issued is on file with the department. Otherwise,
26 the license is valid only for operating class C vehicles that are not
27 commercial vehicles, as defined in subdivision (b) of Section
28 15210, and for operating class M1 or M2 vehicles, if so
29 endorsed, that are not commercial vehicles, as defined in
30 subdivision (b) of Section 15210.

31 (d) A license or driver certificate issued prior to the enactment
32 of Chapter 7 (commencing with Section 15200) is valid to
33 operate the class or type of vehicles specified under the law in
34 existence prior to that enactment until the license or certificate
35 expires or is otherwise suspended, revoked, or canceled.

36 (e) The department may accept a certificate of driving skill
37 that is issued by an employer, authorized by the department to
38 issue a certificate under Section 15250, of the applicant, in lieu of
39 a driving test, on class A or B applications, if the applicant has
40 first qualified for a class C license and has met the other

1 examination requirements for the license for which he or she is
2 applying. The certificate may be submitted as evidence of the
3 applicant's skill in the operation of the types of equipment
4 covered by the license for which he or she is applying.

5 (f) The department may accept a certificate of competence in
6 lieu of a driving test on class M1 or M2 applications, when the
7 certificate is issued by a law enforcement agency for its officers
8 who operate class M1 or M2 vehicles in their duties, if the
9 applicant has met the other examination requirements for the
10 license for which he or she is applying.

11 (g) The department may accept a certificate of satisfactory
12 completion of a novice motorcyclist training program approved
13 by the commissioner pursuant to Section 2932 in lieu of a driving
14 test on class M1 or M2 applications, if the applicant has met the
15 other examination requirements for the license for which he or
16 she is applying. The department shall review and approve the
17 written and driving test used by a program to determine whether
18 the program may issue a certificate of completion.

19 (h) Notwithstanding subdivision (b), a person holding a valid
20 California driver's license of any class may operate a short-term
21 rental motorized bicycle without taking any special examination
22 for the operation of a motorized bicycle, and without having a
23 class M2 endorsement on that license. As used in this
24 subdivision, "short-term" means 48 hours or less.

25 (i) A person under the age of 21 years may not be issued a
26 class M1 or M2 license or endorsement unless he or she provides
27 evidence satisfactory to the department of completion of a
28 motorcycle safety training program that is operated pursuant to
29 Article 2 (commencing with Section 2930) of Chapter 5 of
30 Division 2.

31 (j) A driver of a vanpool vehicle may operate with class C
32 licenses but shall possess evidence of a medical examination
33 required for a class B license when operating vanpool vehicles.
34 In order to be eligible to drive the vanpool vehicle, the driver
35 shall keep in the vanpool vehicle a statement, signed under
36 penalty of perjury, that he or she has not been convicted of
37 reckless driving, drunk driving, or a hit-and-run offense in the
38 last five years.

39 (k) A class M license issued between January 1, 1989, and
40 December 31, 1992, shall permit the holder to operate any

1 motorcycle, motor-driven cycle, or motorized bicycle until the
2 expiration of the license.
3 ~~(f) This section shall become operative on September 20,~~
4 ~~2005.~~

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